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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,875

11/09/2006

Nathalie Leroux

S9025.0254

4475

32172 7590 07/16/2008

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EXAMINER

HESS, BRUCE H

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/588,875	LEROUX, NATHALIE	
	Examiner	Art Unit	
	Bruce H. Hess	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/09/06, 01/12/07 and 10/24/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/09/06, 01/12/07 and 10/24/07</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claim 1 is rejected under 35 USC 102 (b) as being anticipated by any of the patents to Kito et al. (USP 4,421,560), Kito et al. (USP 4,720,301) or Fujita et al. (EP 1 084 860). See the Foreign Search Report submitted by applicant for a listing of the pertinent portions of these patents.

2. Claims 1-3 and 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the patents to Kito et al. '560, Kito et al. '301 or Fujita et al.

These patents all teach reversible thermochromic systems employing a color former and a color developer which produce a heat activated reversible color change. Since applicant's claimed color reactants [e.g., spirolactone or phthalide color formers and stearic acid color developer (Kito et al.) or eicosanic acid and myristic acid color developer (Fujita et al.)] are taught by these references, it is inherent that when combined they function in the manner taught by applicant.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of the patents to Kito et al. '560, Kito et al. '301 or Fujita et al. in view of applicant's statement of the prior art.

In addition to the disclosure discussed above, the primary references additionally teach alkyl-substituted methylindol-3-yl phthalide color formers. Applicants acknowledge in their specification that their particularly claimed alkyl-substituted methylindol-3-yl phthalide compound (i.e., Pergascript 1-6B) is a commercially available color former. The substitution of one known color former for a structurally similar color former would have been obvious to one of ordinary skill in this art in the absence of unexpected results.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce H. Hess whose telephone number is (571)-272-1525. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571)-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bruce H Hess
Primary Examiner
Art Unit 1794

/Bruce H Hess/
Primary Examiner, Art Unit 1794